

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HARLAN J. FITZHERBERT,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant

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CIVIL ACTION NO. 3:11-1310

(JUDGE NEALON)

(MAGISTRATE JUDGE MANNION)

ORDER

NOW, this 8th day of November, 2012, in accordance with the Memorandum issued this date,

IT IS HEREBY ORDERED THAT:

1. Fitzherbert's objections (Doc. 16) to the Magistrate Judge's Report and Recommendation are **OVERRULED**.
2. The Magistrate Judge's Report and Recommendation (Doc. 15) is **ADOPTED**.
3. Fitzherbert's appeal of the Commissioner's decision is **DENIED**.
4. The Clerk of Court is directed to **CLOSE** this case.



United States District Judge

**FILED
SCRANTON**

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PER _____

DEPUTY CLERK